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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,362

Applicant(s)

TESHIMA, ATSUSHI

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8 and 34-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 34-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 8 and 34-52 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2006 has been entered.

### ***Specification***

Examiner wishes to call Applicant's attention to the fact that in various lines, the words of the specification are quite closely spaced, which could pose a problem if the application is published as a patent.

### ***Claim Objections***

Claims 34-52 are objected to because of the following informalities: In the first line of claim 34, "a commercial goods" should be "commercial goods". In the third line of claim 34, "one of real stores" should preferably be "one of a plurality of real stores". In the fifth line of claim 34, the "device which display" should be a "device which displays". The fifth, seventh, and ninth lines of claim 34 should end in semicolons, rather than commas, and in the twelfth line, there should be semicolon, rather than a comma, before "and". Appropriate correction is required.

Claim 35 is objected to because of the following informalities: The word "preferably" in the second line of claim 35 renders ambiguous whether the inclusion of a touch pen is or is not a claim limitation. Appropriate correction is required.

Claims 43, 44, and 45 are objected to because of the following informalities: In the third line and again in the fourth line of claim 43, ""goods to be delivered" should be "goods are to be delivered". In the third and fourth lines of claim 44, "notifies an order of the goods by the buyer to the seller" should be rephrased in proper and idiomatic English, e.g., "notifies the seller of an order for the goods by the buyer". Appropriate correction is required.

Claims 46, 47, and 48 are objected to because of the following informalities: the third and fourth lines of claim 46, "goods to be delivered" should be "goods are to be delivered". In claim 47, "notifies information about an arrival of the goods into buyer" should be rewritten in idiomatic English as something like "notifies the buyer about an arrival of the goods", and in the third line, "goods has been" should be "goods have been". In claim 48, "which is relating to" would better be "which relates to" or else "which is related to". Appropriate correction is required.

Claims 51 and 52 are objected to because of the following informalities: In the second line of claim 51, and again in the third line, "fee of the goods" should be "fee for the goods", and in the second line, "for a buyer" should be "from a buyer". Additionally, it might be better to write "price" instead of "fee". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 recites the limitation "the owner registration fee" in the third line. There is insufficient antecedent basis for this limitation in the claim, or in claim 51, upon which claim 52 depends.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 36, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders") in view of Woolston (U.S. Patent 6,202,051). As per claim 34, Scisco discloses a shop terminal base unit for registering commercial goods in a virtual shopping mall, the shop terminal base unit comprising: a display device which displays a predetermined screen (three paragraphs beginning from "Because Clayton isn't as comfortable"); a capturing apparatus which obtains an image of the goods to be registered in the virtual shopping mall (two

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paragraphs beginning from "Next, we changed the background"); an input unit which inputs goods information by a seller in accordance with the predetermined screen page displayed in the display device (two paragraphs beginning from "Eager to start, I simply clicked"); a virtual goods information generating unit which generates virtual goods information based on image data of the goods captured by the capturing apparatus and the goods information inputted by the input unit (ibid., including the paragraph beginning, "Seeing how simple", and also the subsequent description of Live Store's operation); and a commercial goods registration processing unit which registers the virtual goods information generated by said virtual goods information generating unit (ibid., the registration of the goods following from the disclosed ability of customers to place orders, etc.). Scisco does not disclose that the terminal base unit is provided at one of a plurality of real stores which are chained to one another and form a physical distribution system, but Woolston teaches such a plurality of real stores forming a physical distribution system (column 2, line 26, through column 3, line 15; column 3, lines 50-64; column 4, line 66, through column 5, line 19; column 15, line 53, through column 17, line 36; Figure 13). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the terminal base unit be provided at one of a plurality of such real stores, for the stated advantage of providing a trusted means for consignment node users to establish electronic markets for goods, establish a means for searching each other's shops to locate hard to find collectible items, etc.

As Scisco meets the limitations actually set forth in the body of claim 34, it is questionable how far the preamble's statement of where the terminal is provided should be considered as limiting the claim. Examiner, in citing a secondary reference to meet the language recited in the preamble, does not commit the Patent Office to accepting the language of the preamble as necessarily having to be met by prior art.

As per claim 36, Scisco discloses at least one of a digital camera and a scanner (paragraph beginning, "Seeing how simple the other changes had been").

As per claim 50, Scisco discloses an original shop site creating unit for creating an original site on a shopping mall (whole article, especially five paragraphs beginning from "Because Clayton isn't as comfortable").

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders") and Woolston (U.S. Patent 6,202,051) as applied to claim 34 above, and further in view of Wexler ("Screen Busters; Keyboard Troubles?"). Scisco does not disclose that the display device includes a touch panel type display screen and that the input unit includes a touch pen for the touch panel type display screen, but it is well known for computers to use touch screens and touch pens, as taught, for example, by Wexler (first three text paragraphs, especially). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the shop terminal base unit to include such a touch panel type display screen and touch pen, for the stated advantages of not wasting time looking for the right key, and making selections by a more natural process, eliminating a major source of error.

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Claims 37, 38, 39, 40, 42 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders") and Woolston (U.S. Patent 6,202,051) as applied to claim 34 above, and further in view of official notice. As per claim 37, Scisco does not disclose a media drive for reading out the goods information from a recording medium in which the goods information is stored in advance, but official notice is taken that it is well known for computers to comprise media drives (e.g., floppy disk drives) for reading out information from recording media in which information has been stored in advance. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the terminal shop unit include such a media drive, for the obvious advantage of sparing users the time and trouble of re-entering by hand information already available in a recording medium.

As per claim 38, Scisco discloses or makes inherent an owner registration processing unit which registers information of the seller in the virtual shopping mall operation apparatus (especially paragraphs beginning, "Eager to start" and "To get his orders"). Scisco does not expressly disclose that the information of the seller is inputted by the seller via the input unit in accordance with a predetermined screen page displayed in said display device, but official notice is taken that it is well known for terminals to display predetermined screen pages to guide people to enter information. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information of the seller be inputted by the seller via the input unit in accordance with a predetermined screen page



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displayed in said display device, for the obvious advantage of guiding the seller to input the desired information needed for registration etc.

As per claim 39, Scisco discloses the seller receiving e-mail from the virtual shopping mall (paragraph beginning "to get his orders"), implying that the seller has provided seller information including at least an e-mail address of the seller.

As per claim 40, Scisco does not expressly disclose a fee processing unit which demands an ownership registration fee for the seller upon receipt of a notification from the shopping mall operation apparatus that the information of the seller has been registered in the virtual shopping mall operation apparatus, but Scisco does disclose leasing space in a virtual mall (paragraph beginning "But a shop on the Internet"), implying an appropriate fee processing unit which demands the fee for leasing space.

As per claim 42, Scisco does not disclose a commercial goods searching unit which communicates with the virtual shopping mall apparatus and obtains virtual goods information in relation to at least one of a price and a keyword inputted by the input device in accordance with a predetermined screen page, but Woolston discloses formulating and conducting searches of virtual goods information for a virtual shopping mall (column 3, lines 27-32; column 7, lines 9-67), and official notice is taken that it is well known to search in relation to at least one of a price and a keyword (e.g., in the search described by Woolston, "Denver Mint" would presumably be keywords). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the shop terminal base unit to comprise a commercial goods searching unit, for the obvious and implied advantage of enabling

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users to readily find goods which they're interested in purchasing; and to obtain virtual goods information in relation to at least one of a price and a keyword, for the obvious advantages of finding named goods and finding goods available at preferred prices, or prices which a potential buyer was willing and able to pay.

As per claim 49, Scisco does not expressly disclose a printer and a catalog printing unit which prints out catalogs of the virtual goods information via the printer, but Woolston teaches a printer (Figure 1; column 8, lines 11-15), which may, for example, be used print a record of a transaction (column 12, lines 58-59), and official notice is taken that online catalogs of goods information are well known, and capable of being printed, like other Web pages. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the shop terminal base unit comprise a printer, for the obvious and implied advantage of printing transaction records, or other material that one might wish to print; and in particular to print out catalogs of virtual goods information, for the obvious advantage of making such catalog information readily available when one is off-line.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders"), Woolston (U.S. Patent 6,202,051), and official notice as applied to claim 40 above, and further in view of Watanabe (U.S. Patent 5,717,776). Scisco does not disclose a fee processing unit including a slot for inserting and returning coins and bills for paying the owner registration fee, but Watanabe teaches such a slot for paying a registration fee (column 14, lines 40-50). Hence, it would have been obvious to one of ordinary skill in the art of electronic

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commerce at the time of applicant's invention to include such a slot, for the obvious and implied advantage of enabling sellers to pay registration fees in cash.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders") and Woolston (U.S. Patent 6,202,051) as applied to claim 34 above, and further in view of Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?"). Scisco does not disclose a commercial goods purchase processing unit which transmits into the virtual shopping mall apparatus information of a real shop where the goods are to be delivered, but Galler discloses delivering goods to a real shop (entire article, especially the four paragraphs beginning from "Packagenet, a Fairfield, Iowa, company"), implying that the buyer to whom the goods were to be delivered would input the information of the real shop (from among the 4,000 depot shops taught in Galler) so that the seller or shipper would know where the goods were to be delivered. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit into the virtual shopping mall apparatus information of a real shop where the goods were to be delivered, etc., for the stated advantages of saving money by making deliveries to relatively few depot shops rather than many scattered homes, and avoiding theft or fraud in deliveries.

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders"), Woolston (U.S. Patent 6,202,051), and Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") as applied to claim 43 above, and further in view of official notice. As per

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claim 44, Scisco discloses notifying the seller of an order for goods from a buyer (paragraph beginning "To get his orders"); Scisco does not expressly disclose registering information of the buyer in the virtual shopping mall apparatus, but official notice is taken that it is well known to register information of the buyer (e.g., the buyer's name, address, credit card number, telephone number, e-mail address, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to register information of the buyer, for such obvious advantages as being able to charge the buyer's credit card number (as disclosed in Scisco), verify the buyer's authenticity and credit rating, contact the buyer in case of any problems, etc.

As per claim 45, official notice is taken that it is well known to collect buyers' information including at least one of a telephone and an e-mail address of the buyer. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the information of the buyer to include at least one of a telephone and an e-mail address of the buyer, for the obvious advantage of being able to readily contact the buyer regarding any issues concerning his order.

Claims 46, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders"), Woolston (U.S. Patent 6,202,051), and Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") as applied to claim 43 above, and further in view of official notice. As per claim 46, Galler teaches shipping to one of 4,000 depot shops (as above),

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implying some kind of managing unit obtaining the information of the real shop to which the goods are to be delivered. Neither Scisco nor Galler expressly teaches a trade ID being issued by the virtual shopping mall operation apparatus when a trade between the seller and the buyer is reached, but official notice is taken that it is well known to issue or assign trade/transaction ID's. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to issue a trade ID, for such obvious advantages as identifying and tracking shipments of goods, determining whether goods had been delivered, notifying buyers of deliveries for them at real stores, etc.; and to have a managing unit obtain the information of the real shop to which the goods are to be delivered, for the obvious advantage of delivering the goods to the right location.

As per claim 47, official notice is taken that it is well known to notify buyers about the arrival of goods when the goods have been delivered (for example, the examiner has received telephone calls from bookstores along the lines of, "The book you ordered, *Title* by Author, has arrived; you have ten days to pick it up"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for there to be a real goods managing unit notifying buyers, for the obvious advantage of having buyers pick up their goods after arrival.

As per claim 48, it is likewise obvious for the information about the arrival of the goods to include a trade ID relating to the information of the buyer, for the advantage of knowing which person was the buyer to be notified, and how the buyer was to be

notified (e.g., what his telephone number was). The bookstore example is taken to be relevant to claim 48 as well as 47.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders") and Woolston (U.S. Patent 6,202,051) as applied to claim 34 above, and further in view of official notice. Woolston discloses a fee processing unit which collects a fee for the goods from a buyer a trade ID of the buyer is inputted, and which pays the fee to the seller, presumably obtaining a trade ID of the seller in order to accomplish this (column 12, lines 30-65). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the shop terminal base unit to comprise a fee processing unit doing these things, for the obvious and implied advantages of receiving payments from buyers and paying sellers, as well as profiting from fees or commissions, as stated in Woolston.

Neither Scisco nor Woolston expressly teaches a trade ID being issued by the virtual shopping mall operation apparatus when a trade between the seller and the buyer is reached, but official notice is taken that it is well known to issue or assign trade/transaction ID's. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to issue a trade ID, for such obvious advantages as identifying and tracking shipments of goods, determining whether goods had been delivered, notifying buyers of deliveries for them at real stores, etc.; and to have a managing unit obtain the information of the real shop to which the

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goods are to be delivered, for the obvious advantage of delivering the goods to the right location.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scisco ("Tend the Store for World Wide Orders"), Woolston (U.S. Patent 6,202,051), and official notice as applied to claim 51 above, and further in view of Watanabe (U.S. Patent 5,717,776). Scisco does not disclose a fee processing unit including a slot for inserting and returning coins and bills for paying the owner registration fee, but Watanabe teaches such a slot for paying a registration fee (column 14, lines 40-50). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such a slot, for the obvious and implied advantage of enabling sellers to pay registration fees in cash.

#### ***Allowable Subject Matter***

Claim 8 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Woolston (U.S. Patent 6,202,051), discloses a method for operating a virtual shopping mall by using a computer system, the computer system being established on a plurality of chain stores which are chained in advance to one another to form a physical distribution system, each of said chain stores including a terminal base unit for registering virtual goods information including an image, said terminal base units being connectable to the virtual shopping mall by a communication line, said method comprising: registering virtual goods information, which corresponds to a

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seller's real goods, from one of said terminal base units provided in one of the chain stores to the virtual shopping mall after receiving said virtual goods information from said seller, said registering virtual goods information including capturing the image of said real goods as a part of said virtual goods information (column 3, lines 50-64; column 4, lines 20-46); intermediating trading between said seller and a buyer on said virtual shopping mall by presenting said virtual goods information to the buyer (Abstract; column 4, line 66, through column 5, line 19); and establishing trading between said buyer and said seller, which achieves business on said virtual shopping mall (Abstract; column 4, line 66, through column 6, line 49). Woolston discloses ordering delivery of physical goods to a buyer's desired location, implying setting a delivery path on the physical distribution system for delivering said real goods from the seller to the buyer in accordance with a buyer's selection (column 5, lines 20-30), but Woolston does not precisely disclose that the delivery is to a terminal base from which the buyer receives said real goods. However, Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") teaches delivering products ordered in electronic commerce to bases at chain stores where buyers receive the real goods (four paragraphs beginning from, "Packagenet, a Fairfield, Iowa, company"). Woolston further discloses that a franchisee may be restricted to selling a particular category of goods, and there is also prior art for charging sellers fees to display their goods information on a virtual shopping mall. However, neither Woolston nor any other prior art of record discloses, teaches, or reasonably suggests setting the maximum value of the number of categories of said virtual goods which can be displayed on the virtual



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shopping mall according to the fee charged to the seller. The anonymous article, "CNN Looking to Partner with Drug Store for Online Mall," discloses an online vendor offering retailers category exclusivity, presumably for payment, but this does not meet the claim limitations, even granting the "presumably."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed August 31, 2006 have been fully considered but they are not persuasive. Examiner is happy to find claim 8 allowable, but unable to agree that new claims 34-52 are not taught or suggested by any prior art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Desai et al. (U.S. Patent 5,240,098) disclose a coin-operated personal computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

November 3, 2006